

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

CASE NO. 5:03-cr-20033 JW

Plaintiff(s),

**ORDER DENYING DEFENDANT'S
MOTION TO REDUCE OR MODIFY
SENTENCE**

v.

JERRY ESTEBAN,

[Docket Item No(s). 79]

Defendant(s).

Presently before the court is Defendant Jerry Esteban's ("Defendant") Motion pursuant to 18 U.S.C. § 3582(c)(2) to reduce or modify the term of imprisonment imposed by Judge James Ware in a Judgment filed September 1, 2004. See Docket Item No. 79. Specifically, Defendant requests an order directing that the federal sentence of 121 months run concurrently with a state-imposed prison sentence since Defendant contends that the Monterey County Superior Court granted a similar motion in October, 2011.

Notably, the present motion is Defendant's attempt to obtain the very same relief, Defendant's first motion having been denied by this court on July 10, 2012. See Docket Item No. 75. Plaintiff's request for clarification of that denial was also denied on August 20, 2012. See Docket Item No. 78. Although Defendant has now clarified the specific provision of § 3582 upon which he relies, the court nonetheless finds that this motion should be denied for the same reasons explained in the order addressing the prior request.

Accordingly, Defendant's Motion is DENIED. Since this is now the third instance that the

1 court has addressed this matter, no motions for reconsideration, clarification, or modification of this
2 denial shall be filed or entertained by Defendant.

3 **IT IS SO ORDERED.**

4
5 Dated: October 23, 2012


EDWARD J. DAVILA
United States District Judge

United States District Court
For the Northern District of California